

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
V-015-C1

In re Application of: David H. COLE

Application No.: 10/090,199

Filed: March 4, 2002

For: METHODS AND DEVICES USING MAGNETIC FORCE TO FORM AN ANASTOMOSIS BETWEEN HOLLOW BODIES

**MEDTRONIC AVECOR CARDIOVASCULAR, INC.**

The owner, \_\_\_\_\_ of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,352,543 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

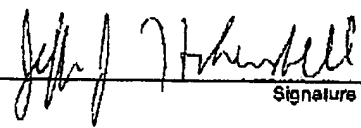
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

  
\_\_\_\_\_  
Signature

December 13, 2004  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeff Hohenshell  
Typed or printed name

\_\_\_\_\_  
783-991-9661  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)  
V-015-C1

In re Application of: David H. COLE

Application No.: 10/090,189

Filed: March 4, 2002

For: METHODS AND DEVICES USING MAGNETIC FORCE TO FORM AN ANASTOMOSIS BETWEEN HOLLOW BODIES

**MEDTRONIC AVECOR CARDIOVASCULAR, INC.**

The owner, \_\_\_\_\_, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,352,543 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

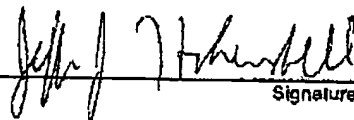
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. \_\_\_\_\_

  
Signature

December 13, 2004  
Date

Jeff Hohenshell  
Typed or printed name

783-981-9861  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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### POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/090,199
Filing Date	March 4, 2002
First Named Inventor	DAVID H. COLE
Group Art Unit	3731
Examiner Name	Julian W. Woo
Attorney Docket Number	V-015-C1

I hereby appoint:

☒ Practitioners at Customer Number 32746

OR

☐ Practitioner(s) named below:

Place Customer  
Number Bar Code  
Label here

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

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<input type="checkbox"/> Firm or Individual Name			
Address			
Address			
City	State	ZIP	
Country			
Telephone	Fax		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

*Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).*

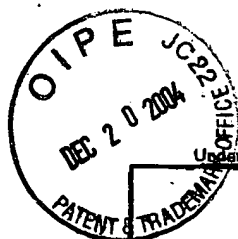
#### SIGNATURE of Applicant or Assignee of Record

Name	Jeff Hohenshell
Signature	
Date	December 13, 2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below.

☐ Total of   forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: David H. COLE

Application No./Patent No.: 10/080,199 Filed/Issue Date: March 4, 2002

Entitled: METHODS AND DEVICES USING MAGNETIC FORCE TO FORM AN ANASTOMOSIS BETWEEN HOLLOW BODIES

MEDTRONIC AVECOR CARDIOVASCULAR, INC., a corporation  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: David H. Cole To: Ventrica, Inc.  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: Ventrica, Inc. To: Medtronic AVECOR Cardiovascular, Inc.  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.  
 (NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Jeff H. Henshell December 13, 2004  
 Signature Date  
Jeff Hensshell 783-391-9851  
 Printed or Typed Name Telephone Number  
Senior Patent Counsel  
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

NOVEMBER 2000

PTAS  
TOWNSEND AND TOWNSEND AND CREW LLP  
JAMES M. HESLIN  
TWO EMEBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CA 94111-3834



\*101484514A\*

JMHeslin

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 08/14/2000

REEL/FRAME: 011135/0864  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

COLE, DAVID H.

DOC DATE: 08/04/2000

ASSIGNEE:

VENTRICA, INC.  
976 HAMILTON AVENUE  
MENLO PARK, CALIFORNIA 94025

SERIAL NUMBER: 09562599

PATENT NUMBER:

FILING DATE: 04/29/2000  
ISSUE DATE:

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

00 DEC 11 AM 11:13

TOWNSEND & TOWNSEND  
LLP  
CREW

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, DAVID H. COLE, of 1550 Lago Street, San Mateo, CA 94403, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: METHODS AND DEVICES USING MAGNETIC FORCE  
TO FORM AN ANASTOMOSIS BETWEEN HOLLOW  
BODIES

Date(s) of execution of Declaration: AUGUST 4, 2000

Filing Date: April 29, 2000

Application No.: 09/562,599; and

WHEREAS, VENTRICA, INC., a corporation of the state of DE, located at 976 Hamilton Avenue, Menlo Park, CA, 94025, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

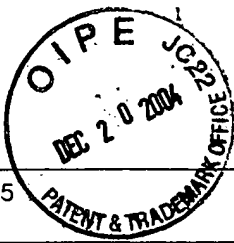
Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignor hereby authorizes and requests Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 8/4/00

David H. Cole  
DAVID H. COLE



10-11-2000



101484514

Attorney Docket No. 015  
TTC Reference: 19432-001100FORM PTO-1595  
(Rev. 6-93)U.S. Department of Commerce  
Patent and Trademark Office

To the Honorable Asst. Commissioner for Patents. Please record the attached original documents or copy thereof

## 1. Name of conveying party(ies):

DAVID H. COLE

Additional name(s) of conveying parties attached?

☐ Yes ☒ No

## 2. Name and address of receiving party(ies)

Name: VENTRICA, INC.

Street Address: 976 HAMILTON AVENUE

City: MENLO PARK State: CA ZIP: 94025

Additional names and addresses attached?

☐ Yes ☒ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other:

Execution Date: AUGUST 4, 2000

APPROVED 8.14.00

OPI/PATENT  
AUG 14 PM 4:12

## 4. Application Number(s) or Patent Numbers.

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No(s): 09/562,599

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JAMES M. HESLIN  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

## 6. Total number of applications and patents involved 01

## 7. Total fee (37 CFR 3.41): \$40.00

- ☐ Enclosed ☒ Charge Fees to Deposit Account  
☒ Charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to deposit account.

## 8. Deposit account number: 20-1430

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.*JAMES M. HESLIN  
Name of Person Signing

Signature

AUGUST 11, 2000  
Date

Atty. Reg. No. 29,541

Total number of pages including cover sheet, attachments and document 02

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Washington, D.C. 20231



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OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*7001302134\*

NOVEMBER 17, 2004

PTAS

FREDRIKSON & BYRON, P.A.  
JOHN S. PARZYCH  
200 SOUTH SIXTH STREET, SUITE 4000  
MINNEAPOLIS, MN 55402

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RECORDATION DATE: 11/10/2004

REEL/FRAME: 015366/0710  
NUMBER OF PAGES: 23

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VENTRICA, INC.

DOC DATE: 10/29/2004

ASSIGNEE:

MEDTRONIC, INC.  
710 MEDTRONIC PARKWAY, NE  
MINNEAPOLIS, MINNESOTA 55432-5604

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
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700130213

DOCUMENT INFO. 10/1/2004

FORM PTO-1385  
1-31-02RECORDATION COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Vantech, Inc.

Additional name(s) of conveying party(ies) attached: [ ] Yes [x] No

## 2. Name and address of receiving party(ies):

Name: Medtronic, Inc.

Street Address: 710 Medtronic Parkway, NE

City: Minneapolis State: MN ZIP: 55432-5604

Additional name(s) &amp; address(es) attached? [ ] Yes [x] No

## 3. Nature of Conveyance:

☒ Assignment☐ Mortgage☐ Security Agreement☐ Change of Name☐ Other

Execution Date: October 28, 2004

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

09/023,692; 09/033,921; 09/170,793; 10/784,861; 09/170,994; 10/441,257;  
08/171,858; 10/011,634; 09/232,102; 09/176,250; 10/721,798; 09/232,862;  
09/773,871; 09/116,607; 09/304,141; 09/764,140; 09/850,883; 10/441,266;  
09/099,131; 10/778,123; 09/034,119; 10/674,846; 09/383,130; 09/489,344; 09/547,822;  
09/562,569; 10/090,185; 09/206,439; 09/637,137; 09/638,808; 10/441,249; 10/771,345;  
09/135,434; 10/022,187; 09/951,400; 09/919,218; 10/920,054; 09/232,021; 10/459,898;  
10/288,374; 10/295,132; 09/465,643; 09/472,559; 10/444,301; 09/508,416; 10/949,619

## B. Patent No.(s)

Additional numbers attached? [ ] Yes [x] No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

John S. Paraych  
Fredrickson & Byron, P.A.  
200 South Sixth Street, Suite 400  
Minneapolis, Minnesota 55401  
Customer No. 922839

## 6. Total number of applications and patents involved: [ 46 ]

## 7. Total fee (37 CFR 3.41): \$1,840.00

☐ Enclosed☒ Authorized to be charged to deposit account

## 8. Deposit account number:

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## 9. Signature and signature:

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John S. Paraych

Name of Person Signing

11/10/04

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